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101ST CONGRESS
2d Session

SENATE

REPORT
101-309

AUTHORIZING THE ACQUISITION OF CERTAIN LANDS IN THE STATE OF LOUISIANA FOR INCLUSION IN THE VICKSBURG NATIONAL MILITARY PARK

JUNE 7 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 2437]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 2437) to authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park, having considered the same, reports favorably thereon with an amendment and an amendment to the title and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. ADDITION OF LANDS TO VICKSBURG NATIONAL MILITARY PARK.

(a) GRANT'S CANAL, LOUISIANA.—The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to acquire by donation, exchange, or purchase with donated or appropriated funds, approximately 2.5 acres of land in Madison Parish, Louisiana, known generally as the Grant's Canal property.

(b) WARREN COUNTY, MISSISSIPPI.—(1) The Secretary is authorized to acquire by donation approximately 2.82 acres of land adjacent to the entrance of Vicksburg National Military Park owned by Warren County, Mississippi.

(2) The Secretary may contribute, in cash or services, to the relocation and construction of a maintenance facility to replace the facility located on the land to be donated, all in accordance with an agreement between the Secretary and the Board of Supervisors.

(3) The Secretary is authorized to restore and landscape the property acquired pursuant to this subsection.

(c) BOUNDARY REVISION.—Upon acquisition of the properties referred to in subsection (a) and (b), the Secretary shall, after the publication of notice in the Federal Register, revise the boundary of Vicksburg National Military Park (hereinafter in this Act referred to as the "park") to reflect the inclusion of such properties within the park.

S313-19

SEC. 2. EXCLUSION OF LANDS FROM PARK.

(a) EXCLUSION OF CERTAIN LANDS.—The park boundary is hereby revised to exclude those lands depicted as "Proposed Deletions" on the map entitled "Vicksburg National Military Park" numbered 306-80,007 and dated May, 1990, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Exclusive jurisdiction over the lands excluded from the park is hereby retroceded to the State of Mississippi.

(b) TRANSFER TO ADJACENT OWNERS.—(1) For a period ending four years after the date of enactment of this Act and subject to the provisions of paragraph (2), the Secretary is authorized to convey title to all or part of the lands referred to in subsection (a) to an owner of property adjacent to such lands, upon the application of such owner.

(2) No property shall be conveyed unless the application referred to in paragraph (1) is accompanied by a payment in an amount equal to—

(A) the fair market value of the land to be conveyed; and

(B) the administrative costs of such transfer incurred by the Secretary, including the costs of surveys, appraisals, and filing and recording fees.

(c) EXCESS PROPERTY.—Any lands not conveyed pursuant to subsection (b) shall be reported to the Administrator of General Services as excess to the needs of the Department of the Interior and shall be subject to transfer or disposition in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

2. Amend the title so as to read:

A bill to authorize the acquisition of certain lands in the States of Louisiana and Mississippi for inclusion in the Vicksburg National Military Park, and for other purposes.

PURPOSE OF THE MEASURE

The purposes of S. 2437, as ordered reported, are to authorize the Secretary of the Interior to acquire certain lands in Louisiana and Mississippi for inclusion in Vicksburg National Military Park, and to delete a small section of land from the park no longer needed for park purposes.

BACKGROUND AND NEED

During the 1863 summer campaign against the Confederate Army in Mississippi, Union General Ulysses Grant was seeking a way to move Union troops down the Mississippi River past the Confederate batteries at Vicksburg. Grant ordered his men to dig a mile-long canal through Delta Point, Louisiana, in an attempt to enable the Union troops to bypass the Confederate guns. Before the canal was completed, the Confederate Army surrendered to Grant on July 4, 1863—the same day as end of the Battle of Gettysburg.

The Conservation Fund has acquired the 2.5 acre site containing the remnants of the canal—known as Grant's Canal—for the purpose of including the property within Vicksburg National Military Park. Congressional legislation is necessary, however, to modify the park boundary to provide for the inclusion of the site within the park boundary.

LEGISLATIVE HISTORY

Senator Johnston introduced S. 2437 on April 5, 1990. The Subcommittee on Public Lands, National Parks and Forests held a hearing on this measure on May 17, 1990.

At the business meeting on May 23, 1990, the Senate Committee on Energy and Natural Resources ordered S. 2437, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 23, 1990, by a unanimous vote of a quorum present, recommends that the Senate pass S. 2437, if amended as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Bradley	
Mr. Bingaman [1]	
Mr. Wirth	
Mr. Conrad [1]	
Mr. Heflin [1]	
Mr. Rockefeller	
Mr. Akaka	
Mr. McClure [1]	
Mr. Hatfield [1]	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Burns	
Mr. Garn [1]	
Mr. McConnell [1]	

[1] Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 2437, the Committee adopted an amendment in the nature of a substitute. As introduced, S. 2437 authorizes the addition of the 2.5 acre Grant's Canal parcel in Louisiana to Vicksburg National Military Park. The Committee amendment provides for this addition, and also authorizes the addition, by donation, of a 2.8 acre parcel located adjacent to the entrance of the park in Warren County, Mississippi, owned by the county. This parcel is currently the site of the county's maintenance facility. The amendment permits the Secretary of the Interior to contribute cash or services toward the relocation and construction of an alternative maintenance facility.

The substitute also provides for the deletion of a narrow strip of land along the park boundary which is no longer needed for park purposes. The amendment would allow the Secretary to sell the land to owners of adjacent land for the fair market value of the property and administrative costs. If the land was not sold within 4 years, the property would be conveyed to the General Services Administration for disposal as excess Federal property.

Both the addition of the Warren County property and the deletion of the strip of land were recommended for inclusion in S. 2437 by the National Park Service.

SECTION-BY-SECTION ANALYSIS

Section 1 authorizes the Secretary of the Interior (the "Secretary") to acquire certain lands for addition to Vicksburg National Military Park (the "park").

Subsection (a) authorizes the Secretary to acquire by donation, exchange, or purchase with donated or appropriated funds, the approximately 2.5 acre Grant's Canal property located in Madison Parish, Louisiana.

Subsection (b) authorizes the Secretary to acquire by donation a 2.82 acre parcel in Warren County, Mississippi, located adjacent to the entrance of Vicksburg National Military Park, and owned by Warren County. The subsection also authorizes the Secretary to contribute, in cash or services, to the relocation and construction of a maintenance facility to replace the facility located on the land to be donated, in accordance with an agreement between the Secretary and the Warren County Board of Supervisors.

Subsection (c) provides that upon acquisition of the Grant's Canal and Warren County properties, the Secretary shall, after publishing notice in the Federal Register, revise the park boundary to reflect the inclusion of the lands within the park.

Section 2 sets forth the terms and conditions for excluding certain properties from the park which are no longer needed for park purposes.

Subsection (a) states that the park boundary is revised to exclude certain lands from the park as depicted on the referenced map. The subsection also provides that exclusive jurisdiction over the excluded lands is retroceded to the State of Mississippi.

Subsection (b) authorizes the Secretary, for a period of four years after the date of enactment, to convey title to all or part of the lands excluded from the park in subsection (a) to an owner or owners of property adjacent to the excluded lands, upon the application of such owner. The subsection further provides that no property shall be conveyed unless the application is accompanied by payment for the fair market value of the property to be conveyed and the administrative costs associated with the transfer.

Subsection (c) provides that any lands excluded from the park which are not conveyed pursuant to subsection (b) with the four year period are to be declared as excess and are to be disposed of in accordance with the Federal Property and Administrative Services Act of 1949.

Section 3 authorizes the appropriation of such sums as are necessary to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

She following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 29, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2437, a bill to authorize the acquisition of certain lands in the State of Louisiana for inclusion in the Vicksburg National Military Park, as ordered reported by the Senate Committee on Energy and Natural Resources on May 23, 1990. Assuming appropriation of the necessary sums, implementation of the bill would cost the federal government about $500,000 in fiscal year 1991. The budgets of state and local governments would not be affected.

S. 2437 would provide for certain changes in the boundary of Vicksburg National Military Park. Section 1 of the bill would authorize the Secretary of the Interior to acquire the 2.5-acre Grant's Canal property in Louisiana by purchase, donation or exchange. The Secretary also would be authorized to accept the donation of an additional 2.8-acre tract in Mississippi, which is owned by Warren County. The Secretary would be permitted to contribute cash or services to the county for facility relocation and construction costs. Section 2 of S. 2437 would revise the boundary of the park to exclude a small parcel, which would then be made available for sale.

Based on information provided by the National Park Service, CBO expects that both tracts would be acquired by donation early in fiscal year 1991. During that year, an estimated $500,000 would be contributed to Warren County for relocation and construction expenses. Other expenses or receipts resulting from the bill, including annual operating costs, are not expected to be significant.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 2437. The bill is not a regulatory measure in the sense of imposing Government-established standards or singificant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 2437, as reported.

EXECUTIVE COMMUNICATIONS

On April 30, 1990, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth ex-

ecutive views on S. 2437. These reports had not been received at the time the report on S. 2437 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JAMES W. STEWART, ASSOCIATE DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, S. 2437 would authorize the Secretary of the Interior to acquire by donation, exchange, or purchase 2.5 acres of land in Madison Parish, Louisiana, and to revise the boundary of Vicksburg National Military Park to include this parcel.

We recomend the enactment of S. 2437, and we recommend the adoption of certain amendments relating to that portion of the park in Mississippi.

Vicksburg National Military Park was establihsed in 1899, and includes reconstructed forts and trenches to commemorate the 47-day Union siege of Vicksburg that ended in the surrender of the city on July 4, 1863. The park consists of 1,619 acres, all in Mississippi. More than half a million visitors were recorded at the park in 1989.

In 1863 General Ulysses S. Grant, in an attempt to move his Union force down the Mississippi River, ordered his forces to dig a canal across a bend in the river in Louisiana opposite the Confederate guns at Vicksburg. The canal route would thus bypass the Confederate artillery which could reach boats on the river proper. The 2.5-acre parcel referred to in S. 2437 is a remnant of that canal. The parcel is held by the Conservation Fund, and the Fund intends to transfer its interest to the National Park Service without cost if legislation is enacted to authorize acquisition of the property. The land was donated to the Fund, and we understand that there may be other unknown interests outstanding. If further investigation reveals such interests, we may wish to purchase them. Accordingly it is appropriate that S. 2437 authorizes acquisition by purchase as well as donation.

When it is acquired, we would interpret the significance of the property for visitors through signs and markers and in our interpretive brochures.

Mr. Chairman, we recommend two amendments to S. 2437. The first amendment would authorize the Secretary to accept the donation of a 2.82-acre parcel in Vicksburg. This parcel is owned by Warren County, Mississippi, surrounded on three sides by park land, and is used as the County's maintenance facility. The value of the property is approximately $500,000; however, the policy of Congress and the Department has long been to acquire State and county property only by donation or exchange, rather than use Land and Water Conservation Fund money to purchase it. Warren County plans to sell the property and re-

locate its maintenance facility with the proceeds. Rather than permit commercial development on this parcel, we propose to accept a donation and then assist the County in relocating its maintenance facility through a grant. The amendment would authorize such a grant.

The second amendment would exclude from the boundary of the park a narrow strip of land about 1,000 feet long along Confederate Avenue, which is not needed for park purposes. When the Avenue was relocated 20 years ago, this strip of park land was left between the new road and adjacent private lands. Our amendment would give the adjacent landowners a right to purchase the excluded land at fair market value, with any proceeds going to the Land and Water Conservation Fund. Owners have in the past sought to purchase a strip of this land but we have not been able to accommodate them, since the general surplus property laws do not apply to parks.

Mr. Chairman, we support S. 2437, and we ask your favorable consideration of our amendments. Attached is our recommended language.

This concludes my prepared testimony. I would be pleased to respond to any questions.

AMENDMENT NO. 1

SEC. . ACQUISITION OF LAND FROM WARREN COUNTY, MISSISSIPPI

(a) DONATION.—The Secretary of the Interior is authorized to accept the donation of approximately 2.82 acres of land adjacent to the entrance of Vicksburg National Military Park from the Board of Supervisors of Warren County, Mississippi. The Secretary may contribute, in cash or services, to the relocation and construction of a maintenance facility to replace the facility located on the lands to be donated, all in accordance with an agreement between the Secretary and the Board of Supervisors of Warren County. When so accepted, the land shall be administered by the Secretary as part of Vicksburg National Military Park, subject to the laws and regulations applicable to such park.

(b) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of any agreement entered into pursuant to subsection (a) and for restoration and landscaping of the property acquired in accordance with this section.

AMENDMENT NO. 2

SEC. . TRANSFER OF UNNEEDED PROPERTIES TO ADJACENT OWNERS.

(a) EXCLUSION FROM PARK.—The boundary of Vicksburg National Military Park is hereby revised to exclude those lands depicted as "Proposed Deletions" on the map entitled "Vicksburg National Military Park," numbered 306-80,007, and dated May 1990, which map shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. Exclusive legislative jurisdiction over the lands excluded from the park is hereby retroceded to the State of Mississippi.

(b) TRANSFER TO ADJACENT OWNERS.—For a period ending on the fourth anniversary of the date of enactment of this Act, the Secretary of the Interior shall from time to time transfer title to the lands excluded from the park by this section to the owner or owners of lands adjacent thereto upon application of such owners. No such transfer shall be made unless the application therefor is accompanied by a payment in an amount equal to the fair market value of the land and the administrative costs of such transfer incurred by the Secretary, including the costs of surveys, appraisals, and filing and recording fees. Notwithstanding any other provision of law to the contrary, all such payments shall be credited to the Land and Water Conservation Fund.

(c) DISPOSAL AS EXCESS.—Following expiration of the period referred to in subsection (b), lands depicted on the map referred to in subsection (a) and not transferred to the adjacent owners shall be reported to the Administrator of General Services as excess to the needs of the Department of the Interior and shall be subject to transfer or disposition in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 2437, as reported.

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